

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #6	CCRB Case #: 202004003	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:00 PM	Location of Incident: Cadman Plaza West, in between Tillary Street and Pierrepont Street	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/08/2020 1:07 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/08/2020 1:07 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Patrick Craig	26996	945623	077 PCT
2. An officer			
3. Officers			
4. DTS Reynaldo Gonzalez	19276	923898	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nathaniel Lester	18736	961885	077 DET
2. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A.POM Patrick Craig	Force: Police Officer Patrick Craig used physical force against an individual.	
B. Officers	Force: Officers struck § 87(2)(b) with batons.	
C. An officer	Force: An officer struck § 87(2)(b) with a baton.	
D. Officers	Force: Officers struck an individual with a batons.	
E. An officer	Force: An officer used physical force against an individual.	
F.DTS Reynaldo Gonzalez	Off. Language: Detective Reynaldo Gonzalez made remarks to an individual based upon the gender of an individual.	
G. Officers	Force: Officers used physical force against Individuals.	
H. Officers	Force: Officers struck an individual with batons.	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	

### Case Summary

On June 8, 2020, § 87(2)(b) filed this complaint on the CCRB's website. On June 5, 2020, § 87(2)(b) called the CCRB and filed a duplicate complaint via the call processing system.

On June 3, 2020, at approximately 9 p.m., § 87(2)(b) attended a protest at Cadman Plaza in Brooklyn. PO Patrick Craig of the 77<sup>th</sup> Precinct pushed an unidentified individual in the face with his baton (**Allegation A – Force:** § 87(2)(g)). Officers struck § 87(2)(b) with batons (**Allegation B – Force:** § 87(2)(g)). An officer struck § 87(2)(b) with a baton (**Allegation C – Force:** § 87(2)(g)). Officers struck an unidentified individual with batons (**Allegation D – Force:** § 87(2)(g)). An officer kicked an unidentified individual in his testicles (**Allegation E – Force:** § 87(2)(g)). Detective Reynaldo Gonzalez of the 84<sup>th</sup> Precinct called a woman “sweetie” (**Allegation F – Offensive language:** § 87(2)(g)). Officers threw unidentified individuals to the ground, pushed them with their batons, and struck them with batons (**Allegations G and H – Force:** § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

Neither § 87(2)(b) nor § 87(2)(b) were arrested or summonsed as a result of this incident.

§ 87(2)(b) recorded part of the incident (**Board Review 01**) BWC footage from PO Nathaniel Lester, Det. Gonzalez, and PO Paul Aparo of the 88<sup>th</sup> Precinct Detective's Squad were received (**Board Review 02, 03, 04**).

This case has been marked sensitive due § 87(2)(g)

### Findings and Recommendations

#### Allegation A – Force: Police Officer Patrick Craig used physical force against

§ 87(2)(b)

§ 87(2)(b) recorded this part of the incident on her cellphone. At the 00:01 timestamp of the video, located at the bottom of the media player screen, dozens of protesters stand side-by-side with their backs facing the camera. At 0:05, a white man, dressed in black, kneels on the ground with his hands in the air while officers shout, "Back up, back up." At 0:19, PO Craig, who holds his baton horizontally with his two hands, forcefully shoves the baton at the civilian who is kneeling. PO Craig lurches forward and extends his arm as he shoves the baton. It is unclear where the baton contacts the man. The unidentified individual falls backwards and out of view of the camera (**Board Review 01**).

§ 87(2)(b) featured a photo of this incident on an article related to the incident (**Board Review 05**). § 87(2)(b) identified herself as the woman's whose head is visible on the right edge of the frame (**Board Review 06**).

§ 87(2)(b) testified that she was marching north on Cadman Plaza West, in between Tillary Street and Pierrepont Street, with 300-400 other protesters when approximately 200 officers in riot gear filed in front of the crowd, stopping the protesters from advancing. When they met the officers, § 87(2)(b) and the protesters waited where they were for 15 minutes, sometimes kneeling or cheering. After 15 minutes, the protesters collectively decided to turn around and march elsewhere or go home, since it did not seem like the officers were going to let them move forward. When the protesters turned around, they saw that officers in all directions had

surrounded them and there was nowhere for them to go. At around 9 p.m., the officers started telling the protesters to move, but there was still nowhere for the protesters to go since the officers surrounded them and there were bicycles that impeded their paths. PO Craig stood in front of the unidentified individual, who was on his knees with his hands in the air. PO Craig said, “Back up, back up.” Before the man had any time to back up, and as PO Craig said “back up” the second time, PO Craig took his baton, which he held horizontally with both of his hands, and forcefully pushed its middle section into the man’s nose area. The man fell backwards onto the ground. § 87(2)(b) did not know if the man sustained any injuries or if he was arrested (**Board Review 06, Board Review 07**).

The investigation was unable to identify the unidentified individual. A search of the NYPD Booking and Arraignment System for arrests made during the incident date and time did not return any arrests for individuals matching the victim (**Board Review 08**). Stop reports related to this incident returned negative results (**Board Review 09**) TRI results returned negative results (**Board Review 10**).

The investigation reached out to § 87(2)(b) § 87(2)(b). § 87(2)(b) confirmed that he did not know the identity of the unidentified individual and declined to provide a statement regarding this incident (**Board Review 11**).

§ 87(2)(b) a victim identified by § 87(2)(b) provided a phone statement and testified that a protestor threw a water bottle at the officers, causing the officers to advance on the crowd. There was § 87(2)(b) in front of her who was on his knees. An officer pushed the individual but did not use their baton (**Board Review 12**). § 87(2)(b) testified that she did not witness this portion of the incident (**Board Review 13**).

PO Craig testified that he did not have an independent recollection of pushing the unidentified individual with his baton but stated that he had previously seen the aforementioned photo and video and acknowledged that he did so. PO Craig did not know the identity of the unidentified individual and did not arrest the individual. Chief Jeffrey Maddrey ordered the officers to clear the square due to the protestors violating the 8 p.m. curfew order. PO Craig ordered the protestors to move back. When protestors did not comply, he pushed them back with the middle of his baton while holding it on either end. PO Craig pushed protestors with his baton to get them to comply with the order to vacate (**Board Review 14**).

Chief Maddrey testified that on the night of the incident there was a curfew in effect at 8 p.m. Chief Maddrey and approximately 300 officers were standing by the Brooklyn side of the Manhattan Bridge. Chief Maddrey positioned the officers at the location because during a protest the night prior, protestors crossed the Manhattan Bridge roadway against traffic. Chief Maddrey and the 300 officers were blocking large groups of protestors from crossing the Manhattan Bridge and Brooklyn Bridge due to the curfew in effect. A large group of 600 to 700 civilians walked down Flatbush Avenue in the direction of the Manhattan Bridge. When the group was a block from where Chief Maddrey and his officers were stationed at the Manhattan Bridge, the group of civilians made a left turn through the MetroTech area. Chief Maddrey walked to the Brooklyn Bridge and then to Cadman Plaza. There, officers were already lined up along Cadman Plaza facing this large group of civilians. There was a “standoff” between the officers and civilians for a few minutes. Chief Maddrey described the civilians in the crowd as “agitated” and “challenging” the officers. Chief Maddrey personally spoke with one unidentified “protest organizer”—a Black man with a low-cut haircut—during this standoff. This organizer told Chief Maddrey, “We’re just trying to march. We’re just trying to protest.” To Chief Maddrey’s right, a skirmish broke loose between civilians and officers in Cadman Plaza which stemmed from a protestor who threw an object, hitting a police

officer. Officers advanced on the crowd to arrest the individual who threw the object. A melee erupted between protestors and officers. Civilians threw garbage cans in the street, and some protestors ran down DeKalb Avenue. Some protestors fought with officers, which Chief Maddrey described as “wrestling” and “grappling.” Officers did not box in civilians nor did they prevent them from leaving the area **(Board Review 15)**.

A NYPD Finest Message was distributed to uniformed officers on June 2, 2020 stating that the Mayor of New York City had imposed a curfew effective between June 3, 2020 at 8 p.m. and June 4, 2020 at 5 a.m. preventing non-essential workers from being in public places. Anyone found in public between the set times may be issued a C-summons for Administrative Code 3-108, violating a Mayoral Emergency Order **(Board Review 16)**.

NYPD Patrol Guide, Procedure 221-01 states that when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following: **(Board Review 27)**,

- A. The nature and severity of the crime or circumstances
- B. Actions taken by the subject
- C. The duration of the action
- D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders
- E. Whether the subject is actively resisting custody
- F. Whether the subject is attempting to evade arrest by flight
- G. Number of subjects in comparison to the number of MOS
- H. Size, age, and condition of the subject in comparison to the MOS
- I. Subject’s violent history, if known
- J. Presence of a hostile crowd or agitators
- K. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The Police Student’s Guide suggests that when using impact techniques such as a baton, officers should strive to strike extremities and larger muscle groups rather than the head, which could result in serious injury or death **(Board Review 28)**.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

## **Allegation B – Force: Officers struck § 87(2)(b) with batons.**

### **Known facts and general descriptions**

§ 87(2)(b) said that in the same moment that PO Craig struck the unidentified man with his baton, an officer hit § 87(2)(b) on the left side of her head with a baton. She did not see the officer that struck her and believed it may have been unintentional. She sustained a bruise to her left ear. She did not receive any treatment for the bruise. The officers eventually let the protesters leave the area. § 87(2)(b) briskly walked southeast when she encountered an officer, who she described as a white male who was 5'10" tall and approximately 180 pounds, who had salt-and-pepper hair, and who looked like he was in his 50s. The officer told § 87(2)(b) to move. § 87(2)(b) told the officer, "I'm moving." The officer, who was also briskly walking, shoved § 87(2)(b) with his baton in her back midsection and told her, "Move faster." § 87(2)(b) did not sustain any injuries. § 87(2)(b) continued walking and once the crowd crossed Brooklyn Bridge Boulevard and walked up Fulton Street, the officers stopped following the protesters (**Board Review 06**).

§ 87(2)(b) provided a phone statement and stated that she did not see § 87(2)(b) hit with a baton but heard her scream (**Board Review 12**). While § 87(2)(b) said she observed officers strike individuals with batons, § 87(2)(b) was unable to remember what any of the officers or victims looked like (**Board Review 13**).

### **BWC**

There is no BWC footage that captures this allegation.

### **NYPD Documents Reviewed**

The investigation obtained detail rosters for the protest which contain the names of 77 officers, some of whose names are not legible (**Board Review 17, 18**). A search for TRIs prepared for § 87(2)(b) yielded negative results (**Board Review 19**). TARU footage of this incident was expired by the date it was requested (**Board Review 22**).

### **Concurrent Investigations**

There is no known concurrent investigation into this incident.

### **Ranking Officers**

Chief Maddrey was the highest-ranking officer interviewed. He did not recall seeing § 87(2)(b) at the protest and did not recall himself or any other officer striking § 87(2)(b) with a baton (**Board Review 15**).

### **Officers Interviewed**

PO Craig was shown a photo of § 87(2)(b) and he did not recall interacting with her or seeing her at the protest. PO Craig testified that he did not recall himself or any other officer striking § 87(2)(b) with a baton (**Board Review 14**). PO Lester's statement was consistent with PO Craig's testimony (**Board Review 15, 20**).

### **Allegation Recitation and Disposition**

§ 87(2)(b) did not see the first officer that struck her with the baton and thus could not provide a description of the officer. § 87(2)(g)

§ 87(2)(g)

**Allegation C – Force: An officer struck § 87(2)(b) with a baton.**

During a phone statement, § 87(2)(b) alleged that an officer struck her in the chest with a baton (**Board Review 12**). However, subsequent attempts to contact § 87(2)(b) to interview her and ascertain more details about the allegation were unsuccessful. There is no video evidence regarding this allegation nor did any civilian testify to seeing § 87(2)(b) being struck by a baton.

§ 87(2)(g)

**Allegation D – Force: Officers struck § 87(2)(b) with batons.**

**Allegation E – Force: An officer used physical force against § 87(2)(b)**

**BWC**

PO Lester's BWC footage, starting at the 09:42 mark of the video player, visible at the bottom of the screen, shows PO Lester walking behind a white male officer in a white shirt who strikes an unidentified individual in his left arm with a baton. A second white male officer in a white shirt then kicks the unidentified individual in the testicles. A third white male officer, wearing a blue uniform, strikes the individual twice in his left arm with a baton. PO Lester then turns and walks away. Due to the video being dark and the officers facing away from the camera, none of the officer's faces, shield numbers, name plates, or command insignias are visible in the recording (**Board Review 02**).

The incident is also captured on Det. Gonzalez's BWC starting at the 10:50 mark of the video player, visible at the bottom of the screen. However, the video is also dark and the faces, shield numbers, name plates, and command insignias are not visible in the recording (**Board Review 03**).

**Known Facts and General Descriptions**

Neither § 87(2)(b) nor § 87(2)(b) testified to witnessing this portion of the incident (**Board Review 06, 12, 13**).

**NYPD Documents Reviewed**

The investigation was unable to identify the unidentified individual. A search of the NYPD Booking and Arraignment System for arrests made during the incident date and time did not return any arrests for individuals matching the description of the unidentified individual (**Board Review 08**). Stop reports related to this incident returned negative results (**Board Review 09**).

**Concurrent Investigations**

There is no known concurrent investigation into this incident.

**Ranking Officers:**

Chief Maddrey was the highest ranked officer interviewed. Chief Maddrey and PO Craig testified that they did not witness this portion of the video and could not identify any of the officers or the unidentified individual in the video. The investigation credits that Chief Maddrey is not the subject as he is a black male and the subjects are white males (**Board Review 15**).

### Officers Interviewed

PO Lester did not have a recollection of this portion of the incident and could not identify the officers or the unidentified individual in the video (**Board Review 20**). PO Craig testified that he did not witness this portion of the video and could not identify any of the officers or the unidentified individual in the video (**Board Review 14**). DAO confirmed that Det. Gonzalez retired on August 1, 2020 (**Board Review 21**).

### Allegation Recitation and Disposition

§ 87(2)(g)

### Allegation F – Offensive Language: Detective Reynaldo Gonzalez made remarks to

§ 87(2)(b) based upon the gender of § 87(2)(b)

Although no civilian in this case alleged that Det. Gonzalez used offensive language, the following was captured on Det. Gonzalez's BWC: At the 12:50 mark of the video player, visible at the bottom of the screen, Det. Gonzalez approaches officers who are arresting an unidentified woman lying on the ground. Det. Gonzales states, "Roll on your side, alright, sweetie...Sit up, sweetie, come on," "Sit up, sweetie," and "Sweetie, sit up" (**Board Review 03**).

DAO confirmed that Det. Gonzalez retired on August 1, 2020 (**Board Review 21**).

§ 87(2)(g)

### Allegation G – Force: Officers used physical force against Individuals.

### Allegation H – Force: Officers struck § 87(2)(b) with batons.

### Known facts and general descriptions

§ 87(2)(b) alleged that officers pulled protesters by the arms and threw them to the ground. The officers struck protesters with their batons but could not provide additional detail as she was running away from the location. § 87(2)(b) was unable to remember what any of the officers or victims looked like (**Board Review 13**).

§ 87(2)(b) said that all the officers were using their batons to move the crowd back. They were holding their batons horizontally across their hips, pushing the batons outwards into civilians. § 87(2)(b) could not describe what any of the officers or victims looked like (**Board Review 06**).

### BWC

Neither PO Lester's, Det. Gonzalez's, nor PO Aparo's BWC captures officers throwing individuals to the ground, nor does it capture officers striking or pushing individuals with batons other than what is outlined in the above allegations (**Board Review 02, 03, 04**).

### NYPD Documents Reviewed

TARU footage of this incident was expired by the date it was requested (**Board Review 22**).

### Concurrent Investigations

There are no known concurrent investigations regarding this incident.

### **Ranking Officers**

Chief Maddrey was the highest-ranking officers known to have been assigned to the detail. He did not strike any civilians with his baton and did not recall seeing any officers strike or push and protestors with their batons (**Board Review 15**).

### **Officers Interviewed**

PO Craig testified that he did not see any officers strike any protestors with batons, that he only saw officers pushing protestors with the middle of their batons (**Board Review 14**).

PO Lester testified that he did not strike any protestors with his baton. He saw other officers with their batons out but could not describe or identify the officers. PO Lester did not see any officers strike any protestors with their batons. PO Lester did not push any protestors. He saw other officers doing so, but could not describe the officers, did not know who they were, and could not recall the circumstances (**Board Review 20**). PO Lester's BWC footage does not show him hitting or pushing any civilians with his baton or asp (**Board Review 02**).

### **Allegation Recitation and Disposition**

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which either § 87(2)(b) or § 87(2)(b) have been a party (**Board Review 24**).
- PO Craig has been a member of the NYPD for 12 years. He has been a subject in 16 additional complaints, totaling 34 allegations, four of which was substantiated.
  - Case 201201580 involved a substantiated frisk allegation. The Board recommended charges and the NYPD imposed instructions.
  - Case 201706371 involved substantiated allegations of physical force, refusal to provide name/shield number, and discourtesy. The case was assigned to APU. PO Craig was found guilty at trial; however, the imposed discipline is not noted.
  - § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.



- As of June 26, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 25**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 26**).

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Squad No.: 06

Investigator: Inv. Thomas Juliano      Inv. Thomas Juliano      03/11/2021  
Signature      Print Title & Name      Date

Squad Leader: IM Jessica Peña      IM Jessica Peña      3/18/2021            
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date